

MINUTES
IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 8/26/05 AT 10:59 a.m. to 11:33 a.m.

DATE COMPLETED: 8/26/05 AT Digital Recorded

UNITED STATES OF AMERICA

Plaintiff

VS.

LEIGH ROHAN

Defendant

*
*
*
*
*
*
*
*

CASE NO.: 2:05CR155-F-CSC

GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. Terry Moorner

*
*

Atty. Paul Cooper

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

COURT REPORTER: JAMES DICKENS

LAW CLERK: CORRIE LONG

(X) OTHER PROCEEDINGS: **SUPPRESSION HEARING**

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED		
Description	Suppression hearing - 2:05CR155-T-CSC	
Date	8 /26/2005	Location Courtroom 4B
Time	Speaker	Note
10:59:21 AM	Court	Court convenes; partis present as noted; Discussion of case being sealed and problems with individuals in the courtroom ;
10:59:40 AM	Atty. Cooper	No problems with witnesses in the audience;
10:59:42 AM	Court	Any one wish the rule?
10:59:47 AM	Atty. Moore	No. Response; Would like to proceed by way of proffer to the court; Discussion of incident of bag found on the interstate by citizens ; Discussion of narcotics found at the scene; Discussion of traffic incident with a gury named Steve Wilson by MPD prior to incident surrounding the arrest of deft and co-deft;
11:04:34 AM	Atty, Cooper	Calls Raymond DeJohn, Task Force Agent, witness sworn and seated; Discussion of investigation of incident of crime scene; Discussion of defts involvement in other investigations; Discusssion of the arrest of the defendant;
11:23:21 AM	Atty. Moorer	Cross examination of witness;
11:24:35 AM	Atty. Cooper	Re-direct of witness;
11:26:03 AM	Court	Witness is excused;
11:26:26 AM	Atty. Cooper	Addresses the court as to problem with probable cause;
11:26:40 AM	Court	Response regarding the defts pulling up to scene of the investigation;
11:27:17 AM	Atty. Cooper	Response;
11:27:21 AM	Court	Discussion of the smell of marijuana; does it creates probable cause or suspicion;
11:27:39 AM	Atty. Cooper	Response regarding the arrest of the deft;
11:28:06 AM	Court	Questions as to when the defts were arrested;
11:28:08 AM	Atty. Cooper	Response that defts were not in a high crime area;
11:28:29 AM	Court	What difference does that make;
11:28:33 AM	Atty. Cooper	Response;
11:29:55 AM	Court	Questions as to the whether smell of marijuana is sufficient to establish probable cause;
11:30:12 AM	Atty. Cooper	Response;
11:30:20 AM	Court	If it's probable cause, then search was valid and everything else following the search;
11:31:11 AM	Atty. Cooper	Response;
11:31:39 AM	Court	Will take it under ad
11:31:45 AM	Atty. Moorer	Informs the court of incident with Mr. Wilson occurred in the same day. Discussion of outstanding warrant for person in car;
11:32:24 AM	Atty. Cooper	That was an outstanding misdemeanor warrant;
11:32:29 AM	Atty. Moorer	It was a misdemeanor warrant;
11:32:32 AM	Atty. Cooper	On a traffic offense;
11:32:40 AM	Court	Response;

11:32:54 AM	Atty. Moorner	Addresses the court as to the deft being on electronic monitoring and ask that the court release deft from the electronic monitoring;
11:33:04 AM	Court	Counsel advised to file a written motion;
11:33:05 AM	Atty. Moorner	Will file that this afternoon;
11:33:05 AM	Court	Assuming there is no objections from the defense counsel
11:33:05 AM	Atty. Cooper	No,
11:33:10 AM	Court	Court is recessed.